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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2010	.	
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The Committee on Transportation (Siplin) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsection (4) and paragraph (a) of subsection (10) of section 318.14, Florida Statutes, are amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(4) (a) Except as provided in subsection (12), any person charged with a noncriminal infraction under this section who does not elect to appear shall, within 30 days after the date of issuance of the citation:



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13           1. Pay the civil penalty and delinquent fee, if applicable,  
14 either by mail or in person; or

15           2. Enter into a payment plan in accordance with s. 28.246  
16 with the clerk of the court to pay the civil penalty and  
17 delinquent fee, if applicable, ~~within 30 days after the date of~~  
18 ~~issuance of the citation.~~

19           (b) If the person cited follows the procedures in paragraph  
20 (a) ~~above procedure~~, he or she shall be deemed to have admitted  
21 the infraction and to have waived his or her right to a hearing  
22 on the issue of commission of the infraction. Such admission  
23 shall not be used as evidence in any other proceedings. Any  
24 person who is cited for a violation of s. 320.0605 or s.  
25 322.15(1), or subject to a penalty under s. 320.07(3)(a) or (b)  
26 or s. 322.065, and who makes an election under this subsection  
27 shall submit proof of compliance with the applicable section to  
28 the clerk of the court. For the purposes of this subsection,  
29 proof of compliance consists of a valid driver's license or a  
30 valid registration certificate.

31           (10) (a) Any person who does not hold a commercial driver's  
32 license and who is cited for an offense listed under this  
33 subsection may, in lieu of payment of fine or court appearance,  
34 elect to enter a plea of nolo contendere and submit ~~provide~~  
35 proof of compliance to the clerk of the court, designated  
36 official, or authorized operator of a traffic violations bureau.  
37 In such case, adjudication shall be withheld; however, an ~~no~~  
38 election may not ~~shall~~ be made under this subsection if such  
39 person has made an election under this subsection in the  
40 preceding 12 months ~~preceding election hereunder~~. A ~~No~~ person  
41 may not make more than three elections under this subsection.



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42 This subsection applies to the following offenses:

43 1. Operating a motor vehicle without a valid driver's  
44 license in violation of the provisions of s. 322.03, s. 322.065,  
45 or s. 322.15(1), or operating a motor vehicle with a license  
46 that ~~which~~ has been suspended for failure to appear, failure to  
47 pay civil penalty, failure to pay any other financial obligation  
48 as provided in s. 322.245 other than those specified in s.  
49 322.245(1), or failure to attend a driver improvement course  
50 pursuant to s. 322.291.

51 2. Operating a motor vehicle without a valid registration  
52 in violation of s. 320.0605, s. 320.07, or s. 320.131.

53 3. Operating a motor vehicle in violation of s. 316.646.

54 4. Operating a motor vehicle with a license that has been  
55 suspended for child support in violation of s. 322.245 or s.  
56 61.13016.

57 5. Operating a motor vehicle with a license that has been  
58 suspended in violation of s. 322.091.

59 Section 2. Section 318.15, Florida Statutes, is amended to  
60 read:

61 318.15 Failure to comply with civil penalty or to appear;  
62 penalty.—

63 (1) (a) If a person fails to comply with the civil penalties  
64 provided in s. 318.18 within the time period specified in s.  
65 318.14(4), fails to enter into or comply with the terms of a  
66 penalty payment plan with the clerk of the court in accordance  
67 with s. 318.14(4) or s. 28.246, fails to attend driver  
68 improvement school, or fails to appear at a scheduled hearing,  
69 the clerk of the court shall notify the Division of Driver  
70 Licenses of the Department of Highway Safety and Motor Vehicles



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71 of such failure within 10 days after such failure. Upon receipt  
72 of such notice, the department shall immediately issue an order  
73 suspending the driver's license and privilege to drive of such  
74 person effective 20 days after the date the order of suspension  
75 is mailed in accordance with s. 322.251(1), (2), and (6). Any  
76 such suspension of the driving privilege which has not been  
77 reinstated, including a similar suspension imposed outside  
78 Florida, shall remain on the records of the department for a  
79 period of 7 years from the date imposed and shall be removed  
80 from the records after the expiration of 7 years from the date  
81 it is imposed.

82 (b) However, a person who elects to attend driver  
83 improvement school and has paid the civil penalty as provided in  
84 s. 318.14(9), but who subsequently fails to attend the driver  
85 improvement school within the time specified by the court shall  
86 be deemed to have admitted the infraction and shall be  
87 adjudicated guilty. In such a case in which there was an 18-  
88 percent reduction pursuant to s. 318.14(9) as it existed before  
89 February 1, 2009, the person must pay the clerk of the court  
90 that amount and a processing fee of up to \$18, after which no  
91 additional penalties, court costs, or surcharges shall be  
92 imposed for the violation. In all other such cases, the person  
93 must pay the clerk a processing fee of up to \$18, after which no  
94 additional penalties, court costs, or surcharges shall be  
95 imposed for the violation. The clerk of the court shall notify  
96 the department of the person's failure to attend driver  
97 improvement school and points shall be assessed pursuant to s.  
98 322.27.

99 (2) After the suspension of a person's driver's license and



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100 privilege to drive under subsection (1), the license and  
101 privilege may not be reinstated until the person complies with  
102 the terms of a periodic payment plan or a revised payment plan  
103 with the clerk of the court pursuant to s. 318.14 or s. 28.246  
104 or with all obligations and penalties imposed under s. 318.18  
105 and presents to a driver license office a certificate of  
106 compliance issued by the court, together with a nonrefundable  
107 service charge of \$60 imposed under s. 322.29, or presents a  
108 certificate of compliance and pays the service charge to the  
109 clerk of the court or a driver licensing agent authorized under  
110 s. 322.135 clearing such suspension. Of the charge collected,  
111 \$22.50 shall be remitted to the Department of Revenue to be  
112 deposited into the Highway Safety Operating Trust Fund. Such  
113 person must also be in compliance with requirements of chapter  
114 322 before reinstatement.

115 Section 3. Section 322.331, Florida Statutes, is amended to  
116 read:

117 322.331 Habitual traffic offenders; restoration of  
118 license.—

119 (1) At the expiration of 5 years from the date of license  
120 revocation, a person whose license has been revoked under s.  
121 322.27(5) may petition the department for restoration of driving  
122 privileges. Upon such petition and after investigation of the  
123 person's qualification and fitness to drive, the department  
124 shall hold an administrative hearing to determine whether  
125 driving privileges shall be restored either on an unrestricted  
126 basis or on a restricted basis solely for business or employment  
127 purposes.

128 (2) The clerk of the court shall submit an amended



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129 disposition to remove the designation as a habitual traffic  
130 offender when:

131 (a) A person's license has been revoked under s. 322.27(5)  
132 as a result of a third violation for driving a motor vehicle  
133 while his or her license is suspended or revoked;

134 (b) The third violation occurred before July 1, 2010; and

135 (c) The person submits proof of compliance as allowed by s.  
136 318.14(10) (a) before July 1, 2011.

137 Section 4. Subsection (11) is added to section 322.34,  
138 Florida Statutes, to read:

139 322.34 Driving while license suspended, revoked, canceled,  
140 or disqualified.-

141 (11) (a) Any person who does not hold a commercial driver's  
142 license and who is cited for an offense of knowingly driving  
143 while his or her license is suspended, revoked, or canceled for  
144 any of the underlying violations listed in paragraph (10) (a)  
145 may, in lieu of payment of fine or court appearance, elect to  
146 enter a plea of nolo contendere and submit proof of compliance  
147 to the clerk of the court, designated official, or authorized  
148 operator of a traffic violations bureau. In such case,  
149 adjudication shall be withheld; however, an election may not be  
150 made under this subsection if such person has made an election  
151 under this subsection in the preceding 12 months. A person may  
152 not make more than three elections under this subsection.

153 (b) If adjudication is withheld under paragraph (a), such  
154 action is not a conviction.

155 Section 5. This act shall take effect July 1, 2010.

156  
157 ===== T I T L E A M E N D M E N T =====



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158 And the title is amended as follows:

159 Delete everything before the enacting clause  
160 and insert:

161 A bill to be entitled

162 An act relating to penalties for violation of traffic  
163 laws; amending s. 318.14, F.S.; providing for a person  
164 charged with a noncriminal traffic infraction to make  
165 periodic payments when paying civil penalties and  
166 fees; providing for certain persons cited for  
167 specified offenses to submit proof of compliance to a  
168 designated official; providing alternative citation  
169 disposition procedures for the offense of operating a  
170 motor vehicle with a license that has been suspended  
171 for failure to pay certain financial obligations;  
172 amending s. 318.15, F.S.; providing for suspension of  
173 a driver's license for failure to enter into or comply  
174 with the terms of a penalty payment plan; providing  
175 for reinstatement of the suspended license; amending  
176 s. 322.331, F.S.; providing for the removal of the  
177 designation as a habitual traffic offender upon proof  
178 of compliance with certain statutory provisions;  
179 amending s. 322.34, F.S.; authorizing certain persons  
180 cited for specified offenses to enter a plea of nolo  
181 contendere and submit proof of compliance to the clerk  
182 of the court, a designated official, or an authorized  
183 operator of a traffic violations bureau; providing an  
184 effective date.